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Practitioner's Docket No. MPI00-540OMNIM

PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Gearing, David P., et al

Application No.: 09/811,088

Group No.: 1646

Filed: March 16, 2001

Examiner: Elizabeth Kemmerer

For: NOVEL GENES ENCODING PROTEINS HAVING PROGNOSTIC,  
DIAGNOSTIC, PREVENTIVE, THERAPEUTIC AND OTHER USES

Commissioner for Patents  
Washington, D.C. 20231

AMENDMENT, PETITION AND FEE FOR EXTENSION OF TIME  
TO MAINTAIN PARENT CASE THAT IS TO BE ABANDONED  
WHEN FILING NEW APPLICATION CLAIMING ITS BENEFIT

1. The amendment in this case is a *bona fide* attempt by applicant to respond and to advance this application to final action. It comprises a separately filed continuation application.

A copy of this amendment and petition is being filed with the papers constituting the filing of the separately filed application.

2. This is a petition under 37 C.F.R. section 1.136(a) for an extension of time to respond to the Office Action mailed June 26, 2002.

CERTIFICATION UNDER 37 C.F.R. SECTIONS 1.8(a) and 1.10\*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

- ☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, Washington, D.C. 20231.

37 C.F.R. SECTION 1.8(a)

37 C.F.R. SECTION 1.10\*

- ☐ with sufficient postage as first class mail.

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- ☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Sean Hunziker

Date: December 6, 2002

(type or print name of person certifying)

\*WARNING: Each paper or fee filed by "Express Mail" must have the number of the "Express Mail" mailing label placed thereon prior to mailing. 37 C.F.R. section 1.10(b). "Since the filing of correspondence under section 1.10 without the Express Mail mailing label thereon is an oversight that can be avoided by the exercise of reasonable care, requests for waiver of this requirement will not be granted on petition." Notice of Oct. 24, 1996, 60 Fed. Reg. 56,439, at 56,442.

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3. Please abandon this application conditioned upon the granting of the petition and the granting of a filing date to the continuing application, so as to make the continuing application copending with this application. (*Notice of May 13, 1983, 1031 O.G. 11-12*).

4. Applicant is other than a small entity.

5. Extension requested

The proceedings herein are for a patent application and the provisions of 37 C.F.R. section 1.136 apply.

Applicant petitions for an extension of five months time under 37 C.F.R. section 1.136(a).  
(fees: 37 C.F.R. section 1.17(a)(1)-(4)).

Fee: \$ 1,960.00

If an additional extension of time is required, please consider this a petition therefor.

6. Fee Payment

Charge Account No. 501668 the sum of \$1,960.00.  
A duplicate of this transmittal is attached.

7. Fee Deficiency

If any additional extension and/or fee is required, charge Account No. 501668.

December 6, 2002

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